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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,109	09/04/2001	Denis Babin	043931-0138	1733

22428 7590 02/19/2003

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WASHINGTON, DC 20007

EXAMINER

HEITBRINK, TIMOTHY W

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/944,109	BABIN, DENIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tim Heitbrink	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:  |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11, 17-22, 27, 33-38, 43-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Asai.

Asai discloses an injection molding apparatus for forming articles having a hole comprising at least one mold cavity formed between a cavity plate 2d and an adjacent core 3c having a core sleeve 40, at least one injection molding nozzle (10, 11) having an annular gate communicating with said mold cavity, said annular gate having a cross-section that is wider than the cross-section of a melt channel 21 extending through the nozzle, a valve pin 14 disposed interior of the nozzle movable between an open and closed position.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 12-15, 23-26, 28-31 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai.

While Asai does not shape the gate to have an oval, square, rectangular or otherwise irregular cross-section, such a change in shape would have been obvious in

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light of *In re Dailey et al*, 149 USPQ 47 where a change in shape not effecting the operation of a device is considered within the skill of the ordinary artisan.

Claims 16, 32 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai as applied to claims 1-15, 17-31, 33-49 above, and further in view of Bauer.

While Asai does not disclose a removable nozzle seal, Bauer discloses a removable nozzle seal 74,76 for the purpose of guiding valve 86.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a removable seal on the nozzle of Asai in order to guide the valve as suggested by Bauer.

Claims 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai as applied to claims 1-15, 17-31, 33-49 above, and further in view of Gellert.

While Asai does not disclose multiple nozzles associated with a plurality of cavities, Gellert discloses such an arrangement to be conventional. The cavities being closed simultaneously by valve pins 18.

Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asai in view of Gellert as applied to claims 51-55 above, and further in view of Bauer.

While Asai (as modified by Gellert) does not disclose a removable nozzle seal, Bauer discloses a removable nozzle seal 74,76 for the purpose of guiding valve 86.


It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a removable seal on the nozzle of Asai in order to guide the valve as suggested by Bauer.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 703-308-3789. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
Tim Heitbrink  
Primary Examiner  
Art Unit 1722

*2-12-03*

twh  
February 12, 2003